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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,750	09/22/2005	Ryou Sakurai	Q85434	3023
23373 7590 07/02/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER THOMPSON, TIMOTHY J				
ART UNIT 2873		PAPER NUMBER		
MAIL DATE 07/02/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,750

Applicant(s)

SAKURAI ET AL.

Examiner

TIMOTHY J. THOMPSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 47-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 48, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuura et al. (U.S. Pat. No. 6,686,940).

Regarding claim 11, Matsuura et al. discloses an image display panel (fig 2), in which two or more groups of particles having different colors and different charge characteristics (fig 2, BP, WP) are sealed between two opposed substrates (fig 2, 111, 112), at least one of the two opposed substrates being transparent (fig 2, 111, col 29, lines 30-35), wherein an electrostatic field produced by a pair of electrodes arranged on one substrate or both substrates is applied to the particles (fig 2, 114, 115), such that the particles are made to move so as to display an image (col 30, lines 20-40), wherein the two opposed substrates of the image display panel are connected using with a thermosetting adhesive wherein the thermosetting adhesive connects the two opposed substrates by directly contacting both of the two opposed substrates (fig 1, 119b, col 40, lines 1-5).

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Regarding claim 48, 49 Matsuura et al. discloses at least one partition wall between the two opposed substrates and wherein the thermosetting adhesive(fig 1, 119b) or the photo-curing adhesive is disposed on an external surface of the partition wall(fig 1, 113), the external surface extending between the two opposed substrates(fig 1, 111, 112).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al.(U.S. Pat. No. 6,686,940) as detailed in claim rejection 11 above and further in view of Saitoh(U.S. Pat. No. 6,636,192).

Regarding claim 12, Matsuura et al. does not disclose wherein the thermosetting adhesive or the photo-curing adhesive includes one or more groups of compounds one of glycidyl group, acrylic group and methacrylic group, although Matsuura does disclose a thermosetting adhesive ,Matsuura does not disclose the specific type thermosetting adhesive used. However, Saitoh discloses using a thermosetting adhesive or a photo-curing adhesive made from an acrylic for constructing an image display panel(col 13, lines 1-5). It would have been obvious to one skilled in the art at the time of the invention to use a

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thermosetting adhesive or a photo-curing adhesive made from an acrylic for connecting the two substrates of the image display panel as shown by Saitoh, with the display of Matsuura et al, since as shown by Saitoh a thermosetting adhesive made from an acrylic is commonly used for building displays.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al.(U.S. Pat. No. 6,686,940).

Regarding claim 47, Matsuura et al. does not disclose a second pair of electrodes and a partition wall, wherein the partition wall is provided between the pair of electrodes and the second pair of electrodes. However, Matsuura et al. does disclose a second electrode placed on the first substrate(fig 1, 114a) with a partition placed between the second electrode and the first electrode, and the other first electrode(fig 1, 115) on the second substrate covering the entire second substrate with the partition wall butting up against the electrode. It would have been obvious to one skilled in the art at the time of the invention to form the first electrode on the second substrate into several electrode, one per pixel, since it has been held that constructing a formerly integral structure into various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TIMOTHY J. THOMPSON** whose telephone number is (571)272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Thompson/
Primary Examiner, Art Unit 2873